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June 28, 2013

Magistrate A. Kathleen Tomlinson
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

RE: Thomas M. Moroughan v. County of Suffolk, et al
Docket No.: CV-12-0512

Dear Magistrate Tomlinson:

I am writing to update you concerning the Supreme Court motion to compel the production of grand jury documents, which was pending before Honorable Martin Efman, as it impacts the Stipulation and Order of Confidentiality and the District Attorney's motion to quash plaintiff's subpoena for the production of the Suffolk County District Attorney's file.

PROCEDURAL HISTORY

Currently pending before this Court is the District Attorney's motion to quash plaintiff's subpoena seeking the production of their files relating to the criminal action entitled the People of the State of New York against Thomas Moroughan (DE87). In plaintiff's opposition papers we advised the Court that we were filing a concurrent application to Suffolk County Supreme Court seeking an Order for the disclosure of grand jury documents consistent with *Ruther v. Boyle*, 879 F. Supp. 247 (EDNY 1995).

DECISION AND ORDER OF THE SUPREME COURT

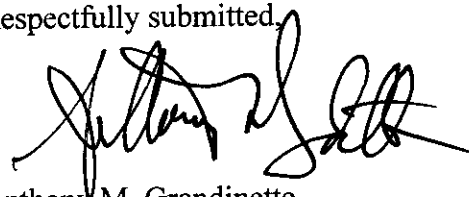
Earlier today, Judge Efman granted plaintiff's application to the extent that all documents that were obtained pursuant to grand jury subpoenas be disclosed within fifteen (15) days. A

courtesy copy of this Order will be filed with your Honor on Monday morning. Accordingly, the issue remaining before this Court, relative to the files maintained by the Suffolk County District Attorney's Office and their motion to quash, relate to their claim of law enforcement privilege rather than grand jury privilege.

IAB REPORT AND SEALING OF STATE COURT MOTION

I have received both copies of the IAB report from the District Attorney and the Court which were annexed as exhibits to my pending state court motion. Furthermore, any reference to the content of the IAB report in the motion papers themselves have been redacted in full compliance with the Stipulation and Order of Confidentiality. See Exhibit "A" Judge Efman's Sealing Order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony M. Grandinette', written over a horizontal line.

Anthony M. Grandinette

AMG/hs
Enc.

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
The People of the State of New York,

-against-

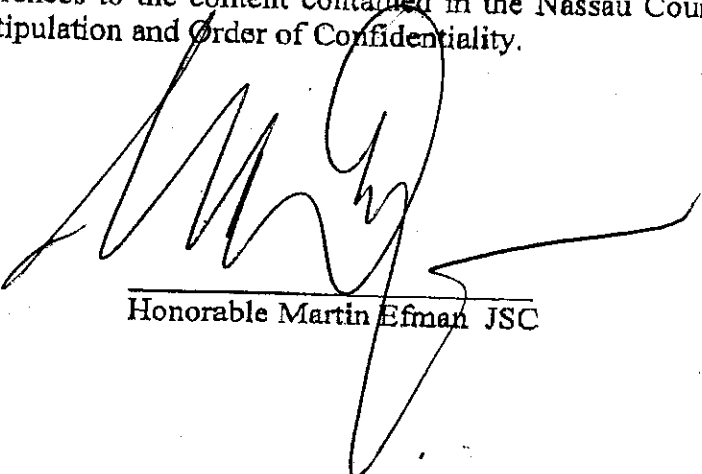
Thomas M. Moroughan.
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Docket No.: 2011SU007884
STATE COURT ORDER
SEALING THE MOTION
FOR DISCLOSURE OF
GRAND JURY
DOCUMENTS AND ALL
EXHIBITS ANNEXED
THERE TO RELATED TO
A PENDING FEDERAL
ACTION
INDEX NO.: 12-CV-05122
PREVIOUSLY
SUBMITTED UNDER
SEAL PURSUANT TO
FEDERAL COURT
ORDER

ORDERED, upon the application of THOMAS M. MOROUGHAN, unopposed by THE SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE, and based upon the STIPULATION OF ORDER AND CONFIDENTIALITY of the Honorable A. Kathleen Tomlinson (EDNY), it is hereby **ORDERED** pursuant to the Criminal Procedure Law and the inherent powers vested in this Court that all motion papers, exhibits, and documents related to this application are hereby **SEALED**.

It is further **ORDERED** that immediately following a decision on this motion that the Nassau County IAB Report will be returned by the Clerk of this Court and the Office of the Suffolk County District Attorney to Moroughan's counsel, Anthony M. Grandinette, consistent with the Federal Stipulation and Order of Confidentiality of the Honorable A. Kathleen Tomlinson (EDNY). Annexed hereto as Exhibit "A". It is further **ORDERED** that following a decision on the motion that all motion papers and documents related thereto which shall be maintained by the Clerk's office and the Office of the District Attorney's Office shall only be retained in redacted form, excluding references to the content contained in the Nassau County IAB Report, consistent with the Federal Stipulation and Order of Confidentiality.

Dated: June 28, 2013
Riverhead, New York 11901


Honorable Martin Efron JSC